



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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**In Reply Refer to:**

1601/1624/1790/3100 (920/930) P

EMS TRANSMISSION: 7/7/06

Instruction Memorandum **No. CA-2006-029**

Expires: 09/30/2007

To: All Field Managers

From: State Director

Subject: Revised statewide policy for conducting Environmental Assessments (EA's) to comply with NEPA regulations in preparation for competitive Oil & Gas lease sales

Program Area: Fluid Minerals and Related Planning Activities

**Purpose:** This Instruction Memorandum (IM) clarifies existing NEPA guidance concerning the implementation of land use authorization decisions, and the processing of oil and gas leasing decisions under existing land use plans. It also clarifies and provides proper application of the guidance contained in the BLM Land Use Planning Handbook (H-1601-1) and the BLM Planning for Fluid Minerals Handbook (H-1624-1).

**Background:** Until recently, California routinely conducted competitive Oil & Gas lease auctions with a minimum of controversy. This is due primarily to the effectiveness of the Caliente Resource Management Plan and Environmental Impact Statement (RMP/EIS), and the fact that the vast majority of industry interest in leasing is focused in the southern San Joaquin Valley. In light of recent administrative rulings by IBLA, and court decisions in the 9<sup>th</sup> Circuit, we have identified the need for a revised policy with regard to environmental analysis and documentation to support leasing decisions.

**Policy/Action:** Environmental Assessments – An EA must be prepared for proposed actions that (1) are not categorically excluded, (2) have not been adequately covered in an existing environmental document, (3) are analyzed in an RMP/EIS that is more than 5 years old, or (4) do not normally or obviously require an EIS. The issues that most frequently must be addressed in the EA are associated with potential air quality impacts, and compliance with the current protocol between the California BLM and the State Historical Preservation Office (SHPO) for archeological resources. The EA should be tiered to the current RMP/EIS to avoid duplication and sharply focus on issues specific to the leasing decision (refer to discussion on tiering EA's to RMP/EIS's in the current NEPA handbook for specific guidance). The EA process need not be time-consuming or complicated. The level of assessment should be commensurate with the anticipated impacts and the degree of public interest. The analysis should be based on the best available information, should be objective, and if possible, quantify impacts. Handbook H-1790-1, Chapter IV provides specific guidance on

preparation of an EA (reference Manual H-3150). Field Offices are encouraged to publish the EA and request public comment before each quarterly lease sale. The public comment period will typically coincide with the first thirty (30) days of the forty-five (45) day notice period for the sale. If the analysis does not result in a finding of no significant impact (FONSI), then a full environmental impact statement (EIS) will be required to comply with NEPA.

Documentation of NEPA Adequacy (DNA) – In those instances where the conditions (1) through (4) in the previous sections do not apply, that is, where the proposed actions are adequately analyzed in an existing RMP/EIS that is less than five (5) years old, a DNA must be prepared in accordance with WOIM 2001-062, using the format in attachment 1: *Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy*.

Time frame: This IM shall be effective upon issuance and remains in effect until modified or cancelled.

Coordination: Ensure compliance with the standards for preparation of Environmental Assessments to provide the requisite “hard look” at potential site-specific consequences prior to the final decision to issue a lease as the result of the competitive lease sale process. This memorandum should also serve to improve the level of coordination between the multi-resources staff in the field offices with Minerals and Planning staff in the state office early in the leasing process, and ensure that the decision to lease is supported by an appropriate level of analysis and documentation.

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Signed by:  
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Records Management

Attachment – 1- Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) (6 pp)